

ATTORNEY DOCKET NO. SD-6769.1/S96421
SERIAL NO. 09/970,912
U.S. PATENT NO. 7,362,859

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**RECEIVED
CENTRAL FAX CENTER****JUL 21 2008**

In re application of: Perry J. Robertson

Patent No.: 7,362,859

Issued: April 22, 2008

Serial No.: 09/970,912

Filed: October 4, 2001

For: **ENHANCEMENT OF UTILIZATION OF ENCRYPTION
ENGINE**

Confirmation No.: 3158

Group No.: 2136

Patent Examiner: Eleni A. Shiferaw

Assistant Commissioner for Patents
Commissioner of Patents and Trademarks
Box DAC
Alexandria, VA 20231

CERTIFICATION UNDER 37 CFR 1.8(a) and 1.10

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited on the date shown below with the United States Postal Service in an envelope addressed to the Commissioner for Patents, Alexandria, VA 22313-1450.

37 CFR 1.8(a)☐ with sufficient postage
as first class mail**37 CFR 1.10**☐ as "Express Mail Post Office to Addressee"
Mailing Label No. _____**TRANSMISSION**

☒ transmitted by facsimile to the Patent and Trademark Office,
fax number ~~571-273-3248~~ ATTN: Office of Petitions

571-273-8300

Martha Trujillo
Signature

Date: 7/21/2008

MARTHA TRUJILLO
Printed Name

Sir:

PETITION UNDER C.F.R. § 1.182

Applicants submit this Petition under C.F.R. § 1.182 in response to the denial of the issuance of a Certificate of Correction to correct an error in the name of an inventor (copy attached). Any fees required by this paper may be charged to Deposit Account No. 19-0131.

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ATTORNEY DOCKET NO. SD-6769.1/S96421
SERIAL NO. 09/970,912
U.S. PATENT NO. 7,362,859

REMARKS

Applicants respectfully request that the name of the first-named inventor for issued patent U.S. Patent No. 7,362,859 (Attorney Docket No. SD-6769.1/S96421, Serial No. 09/970,912) be corrected. The issued patent identifies the first-named inventor as Robert J. Robertson. The correct name is Perry J. Robertson. This error went undetected until after issuance because in all communications between the USPTO and the Applicants, this inventor's name had been correctly indicated. On the Oath & Declaration itself, this inventor's name was also correctly indicated in all locations except for the name on the signature line itself. The inventor signed with his correct name of Perry J. Robertson. The error on the Oath & Declaration was typographical in nature and inadvertent. Attached please find a copy of the Oath & Declaration on which it can be seen that the only location where the error occurred was in the name on the signature line; in all other places on the Oath & Declaration, the correct name of Perry J. Robertson was indicated. The correct name is also indicated on the Corrected Filing Receipt (copy attached). Also attached are copies of first pages of office actions and notices received from the PTO, all of which show the inventor's correct name as Perry J. Robertson, including the Notice of Allowance.


ATTORNEY DOCKET NO. SD-6769.1/S96421
SERIAL NO. 09/970.912
U.S. PATENT NO. 7,362,859

In light of the fact that the typographical and inadvertent error only occurred in one location and was not propagated throughout all the documentation and in light of the fact that the name on the issued patent is incorrect, Applicants request that this petition for correction of the name of the first-named inventor be granted and the issued patent be corrected to identify the first-named inventor as Perry J. Robertson, not Robert J. Robertson.

Further and favorable consideration is respectfully requested.

Respectfully submitted,

Date: 07/21/08


Madelynn J. Farber
Registration No. 45,410

Sandia National Laboratories
P.O. Box 5800, MS 0161
Albuquerque, NM 87185-0161
(p) 505-844-3858, (f) 505-844-9955

Enclosures: Copy of Letter Denying Request for Certificate of Correction (2 pages)
Copy of Oath & Declaration (2 pages)
Copy of Corrected Filing Receipt (2 pages)
Copies of pages from communications sent by the USPTO to Applicants
(7 pages)
Copy of Notice of Allowance (1 page)



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY OF COMMERCE AND
COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

RECEIVED
CENTRAL FAX CENTER
JUL 21 2008

6/24/08
Patent No. : 7,362,859 B1
Issue Date : April 22, 2008
Ser. No. : 09/970,912 6769.1
Inventor(s) : Robertson, et al.
Title : ENHANCEMENT OF UTILIZATION OF
ENCIPHERMENT ENGINE

Re: Request for certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rules 1.322 and 1.323.

An error on a patent can be corrected by a certificate of correction, if appropriate. Accordingly, a petition under C.F.R. 1.182 is required to correct the alleged error in the inventor's name since inventor's name (s) are printed solely in accordance with the typewritten name (s), and since the error was the result of applicant's failure to comply with the requirement that the complete and correct name (s) be indicated on the Declaration or Oath, no correction is in order here under the provisions of Rules 1.322, unless a petitions is granted.

In view of the foregoing, your request is hereby denied.

However, a petition under 37 CFR 1.182 should be directed to the attention of the Assistant Commissioner for Patents using the following mailing address or FAX number.

By Mail: Commissioner of Patents and Trademarks
Box DAC
Washington, D.C. 20231

By Fax: (571) 272-3218
Attn: Office of Petitions

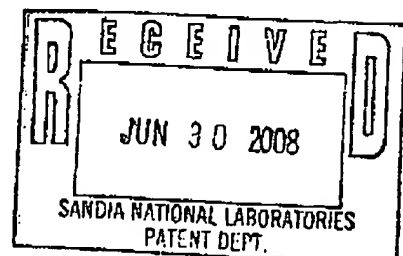
If, the petition under 37 CFR 1.182 (required fee currently \$130), is filed and granted, the patentee would be entitled to a certificate of correction under 37 CFR 1.323 (required fee currently \$100).

Further correspondence concerning this matter should be filed and directed to Decisions and Certificates of Correction Branch.

Valerie Jackson
For Mary F. Diggs
Decisions & Certificates
of Correction Branch
(703) 308-9390 ext. 114

Sandia National Laboratories
P.O. Box 5800, MS-0161
Albuquerque, NM 87185

vj/MFD



SD6769/96421

COMBINED DECLARATION AND POWER OF ATTORNEY

As the below-named inventor(s): **Perry J. Robertson and Edward L. Witzke.**

I (We) hereby declare that:

My (Our) residence(s), post office address(es), and citizenship(s) are as stated below next to my (our) name(s).

I believe I am the original, first, and sole inventor (if only one name is listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **Enhancement of Utilization of Encryption Engine**, the specification of which (check one)

 X is attached hereto
 was filed on , as Serial No. and was amended on by Response
 under 37 CFR 1.1115 with Patent No. issued on .

I (We) hereby state that I (we) have reviewed and understand the contents of the above-identified specification, including the claims as amended by any amendment referred to above.

I (We) acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

I (We) hereby claim foreign priority benefits under Title 35, United States Code § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

PRIOR FOREIGN APPLICATION

Priority

Claimed

[] [X]

Yes No

Number	Country	Filed (Day/Month/Year)
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I (We) hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I (We) acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Serial No.	Filing Date	Status
None		

SD6769/96421

POWER OF ATTORNEY: As the named inventor(s), I (we) hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Names and Registration Nos.		Names and Registration Nos.	
George H. Libman	27,984	John P. Hohimer	39,226
Timothy D. Stanley	30,428 ELW 10/3/2001	Kurt C. Olsen	29,961
Gregory A. Cone	28,835	Brian W. Dodson	39,170
Russell D. Elliott	35,497	Tim Evans	41,013
V. Gerald Grafe	42,599	Elmer Klavetter	42,743
Suzanne L. K. Rountree	47,910	Robert D. Watson	45,604

Send Correspondence to:	Direct Telephone Calls To:
Sandia National Laboratories Patent & Licensing Office, MS0161 P. O. Box 5800 Albuquerque, New Mexico 87185-0161	George H. Libman (505) 844-7644

I (We) hereby declare that all statements made herein of my (our) own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Inventor Name: Robert J. Robertson	Citizenship: USA
SIGNATURE: <u>Robert J. Robertson</u>	DATE: <u>10/4/2001</u>
Residence (City & State or Country): 9628 Rosas Ave. NE, Albuquerque, New Mexico 87109	
Postal Address: 9628 Rosas Ave. NE, Albuquerque, New Mexico 87109	

Inventor Name: Edward L. Witzke	Citizenship: USA
SIGNATURE: <u>Edward L. Witzke</u>	DATE: <u>10/3/2001</u>
Residence (City & State or Country): P. O. Box 488, Edgewood, New Mexico 87015	
Postal Address: P. O. Box 488, Edgewood, New Mexico 87015	

1. George



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO.	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/970,912	10/04/2001	2131	842	SD-6769	5	21	4

Timothy D. Stanley
Sandia National Laboratories
P.O. Box 5800 - MS-0161
Albuquerque, NM 87185-0161

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MAR 11 2002

SANDIA NATIONAL
LABORATORIES
PATENT DEPT.

CONFIRMATION NO. 3158

CORRECTED FILING RECEIPT



0000000007370631

Date Mailed: 03/06/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Perry J. Robertson, Albuquerque, NM;
Edward L. Witzke, Edgewood, NM;

Domestic Priority data as claimed by applicant

THIS APPLN CLAIMS BENEFIT OF 60/238,678 10/06/2000

Foreign Applications

If Required, Foreign Filing License Granted 11/06/2001

Projected Publication Date: Request for Non-Publication Acknowledged

Non-Publication Request: Yes

Early Publication Request: No

Title

Enhancement of utilization of encryption engine

Preliminary Class

380

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



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UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/970,912	10/04/2001	Perry J. Robertson	SD-6769

Timothy D. Stanley
Sandia National Laboratories
P.O. Box 5800 - MS-0161
Albuquerque, NM 87185-0161

CONFIRMATION NO. 3158

FORMALITIES LETTER



OC000000007588392

Date Mailed: 03/06/2002

NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)

Filing Date Granted

The U.S. Patent and Trademark Office has received your reply on 01/18/2002 to the Notice to File Missing Parts (Notice) mailed 11/07/2001 and it has been entered into the nonprovisional application. The reply, however, does not include the following items required in the Notice.

The period of reply remains as set forth in the Notice. You may, however, obtain EXTENSIONS OF TIME under the provisions of 37 CFR 1.136 (a) accompanied by the appropriate fee (37 CFR 1.17(a)).

A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
 - more than one figure is present and each figure is not labeled "Fig." with a consecutive Arabic numeral (1, 2, etc.) or an Arabic numeral and capital letter in the English alphabet (A, B, etc.)(see 37 CFR 1.84(u)(1));

A copy of this notice **MUST** be returned with the reply.

Mr. Dechart

Customer Service Center
Initial Patent Examination Division (703) 308-1202
PART 1 - ATTORNEY/APPLICANT COPY



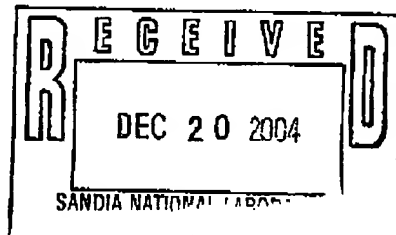
UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/970,912	10/04/2001	Perry J. Robertson	SD-6769	3158
20567	7590	12/16/2004	EXAMINER	
SANDIA CORPORATION			SHIFERAW, ELENI A	
P O BOX 5800			ART UNIT	
MS-0161			2136	
ALBUQUERQUE, NM 87185-0161			PAPER NUMBER	

DATE MAILED: 12/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



H2



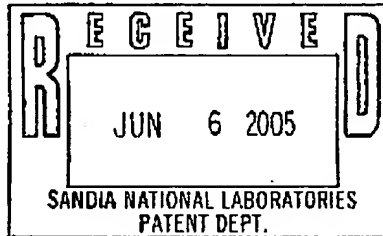
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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/970,912	10/04/2001	Perry J. Robertson	SD-6769	3158

20567 7590 06/03/2005

SANDIA CORPORATION
 P O BOX 5800
 MS-0161
 ALBUQUERQUE, NM 87185-0161



EXAMINER

SHIFERAW, ELEN A

ART UNIT	PAPER NUMBER
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2136

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



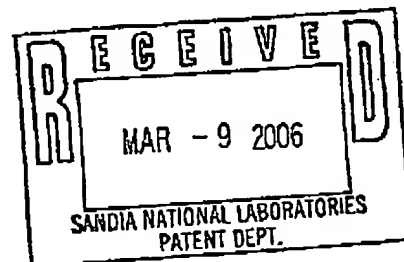
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/970,912	10/04/2001	Perry J. Robertson	SD-6769	3158
20547	7590	03/03/2006	EXAMINER	
SANDIA CORPORATION P O BOX 5800 MS-0161 ALBUQUERQUE, NM 87185-0161			SHIFFERAW, ELENIA	
			ART UNIT	PAPER NUMBER
			2136	

DATE MAILED: 03/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.





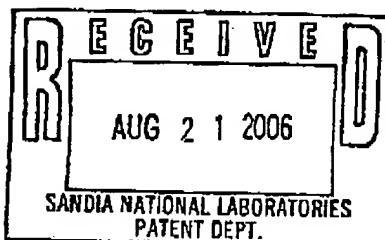
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/970,912	10/04/2001	Perry J. Robertson	SD-6769	3158

20567 7590 08/14/2006

SANDIA CORPORATION
P O BOX 5800
MS-0161
ALBUQUERQUE, NM 87185-0161



EXAMINER
SHIPRAW, ELENA

ART UNIT	PAPER NUMBER
2136	

DATE MAILED: 08/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/970,912	10/04/2001	Perry J. Robertson	SD-6769	3158
RECEIVED FEB 1 2007 SANDIA NATIONAL LABORATORIES PATENT DEPT.			EXAMINER	
			SHIFERAW, ELBNI A	
			ART UNIT	PAPER NUMBER
			2136	
			MAIL DATE	DELIVERY MODE
			01/29/2007	PAPER

20567 7590 01/29/2007
SANDIA CORPORATION
P O BOX 5800
MS-0161
ALBUQUERQUE, NM 87185-0161

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES PATENT AND TRADEMARK OFFICE

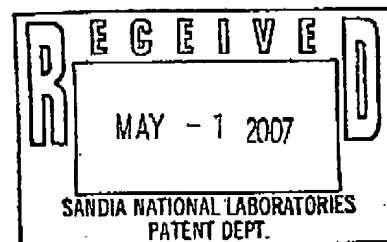
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/970,912	10/04/2001	Perry J. Robertson	SD-6769	3158
20567 7590 04/27/2007				
SANDIA CORPORATION				
P O BOX 5800				
MS-0161				
ALBUQUERQUE, NM 87185-0161				
EXAMINER				
SHIFERAW, ELEN A				
ART UNIT		PAPER NUMBER		
2136				

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/27/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

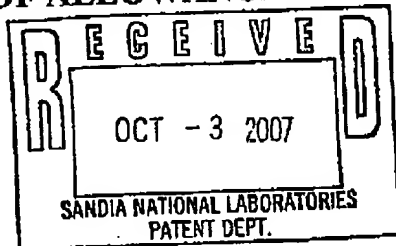
If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.



JUL 21 2008


UNITED STATES PATENT AND TRADEMARK OFFICE
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NOTICE OF ALLOWANCE AND FEE(S) DUE

 20567 7590 09/28/2007
SANDIA CORPORATION
 P O BOX 5800
 MS-0161
 ALBUQUERQUE, NM 87185-0161


EXAMINER	
SHIPERAW, ELENI A	
ART UNIT	PAPER NUMBER
2136	
DATE MAILED: 09/28/2007	

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/970,912	10/04/2001	Perry J. Robertson	SD-6769 - 1	3158
TITLE OF INVENTION: ENHANCEMENT OF UTILIZATION OF ENCRYPTION ENGINE				

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$0	\$0	\$1400	12/28/2007

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:
I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.